

REMARKS

Claims 1-7 are pending and at issue. The pending claims stand rejected under various obviousness rejections, all of which are based upon the Iwata et al. patent (USPN 6,111,699) in combination with various other pieces of prior art. In each of these obviousness rejections, Iwata et al. serves as the primary source for purportedly teaching various claimed subject matter. Claims 1-3, for example, are rejected based on Iwata, et al., which per the office action teaches the recited subject matter except for colloidal silica which Birk purportedly teaches. The rejections of claims 4-6 and 7 similarly share a primary reliance upon Iwata et al. The Iwata et al. patent, however, is not prior art to the present application, and, therefore, all of the rejections in the office action are improper and must be removed.

The Iwata patent issued on August 29, 2000 based upon a United States application filed on September 22, 1998. Neither the issuance date nor the filing date (for 35 U.S.C. § 102(e)) predate the filing of the Japanese application upon which the present application is based, Japanese Patent Application No. HEI-10-262631 ("the Japanese Application"). The Japanese application was filed on September 17, 1998. Clearly, the Iwata et al. patent is not prior art under 35 U.S.C. § 102. -103 re.

To confirm that the Japanese Application provides the necessary support under 35 U.S.C. § 112 for the present application, a verified English translation of the certified copy of this priority application is attached herewith, along with a executed verification of translation.

Based on the foregoing and the translation attached herewith, the applicants respectfully submit that the Iwata et al. patent is not available as prior art to the present application. All of the rejections in the office action are improper and must be removed. The pending claims are in condition for allowance and a timely, favorable indication of the same is respectfully requested.

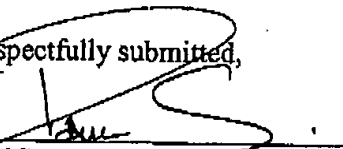
Application No.: 09/786,565

Docket No.: 19036/37126

This response was filed in response to Paper No. 13, dated February 26, 2003, resetting the time for response to May 26, 2003. As such, no fee is believed to be due. If the Commissioner determines that a fee is due, he is authorized to debit Account No. 13-2855 for the requisite fee.

Dated: April 22, 2003

Respectfully submitted,

By 
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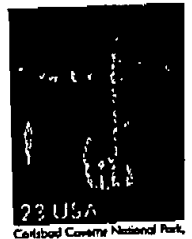
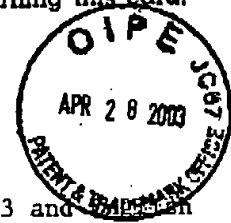
The Patent Office is hereby requested to acknowledge receipt
of the following papers by stamping and returning this card.

Mineo

09/786,565

Response to the Office Action dated: 2/26/03 and
language translation of Japanese application.

with a Certificate of Mailing dated April 22, 2003



MARSHALL, GERSTEIN & BORUN

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